<u>**REMARKS**</u>

Claims 1-23 and 27-40 are currently pending in the subject application and are presently under consideration. Claims 1, 23, and 36 have been amended as shown on pp. 2-6 of the Reply.

The finality of the rejection is *Improper.* The previous amendments did not change claim scope; rather, the amendments were dependent claims merely incorporated into their respective independent claims. Specifically, claims 24-26 were previously dependent on independent claim 23. Claim 24 depended on claim 23 and claim 25 depended on claim 24. Although claim 26 recited that it depended on claim 24, it is apparent from reading claim 26 that claim 26 depended on claim 25 due to the antecedence of "individual node execution measurements." As a result, the limitations in dependent claims 24-26 were incorporated into independent claim 23 and independent claims 1 and 36; the **Final Rejection** is *improper* because there was no new claim scope and the Office Action improperly **made a new ground** for rejection. Accordingly, withdrawal of the Final Rejection is respectfully requested.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   <u>Rejection of Claims 1-23 and 27-40 Under 35 U.S.C. §103(a)</u>

Claims 1-23 and 27-40 stand rejected under 35 U.S.C. 103(a) as obvious over SoftWire (SW) Graphical Programming as taught in (US Patent 6,425,121) in view of Visual Basic 6 (VB) as documented in Rob Thayer's text book Visual Basic Unleashed (September 11, 1998). Software states the invention is an add-on to Visual Basic (SW, col 2, lines 1-16 and col 6, lines 37-53)(further in view of Template Software's Workflow system Chapter 9 from 1998 (**WFT**).

It is respectfully requested that this rejection be withdrawn for at least the following reasons. The cited references, alone or in combination, fail to teach or suggest all limitations of the subject claims.

> [T]he prior art reference (or references when combined) must teach
> or suggest all claim limitations. *See* MPEP §706.02(j). The
> teaching or suggestion to make the claimed combination and the
> reasonable expectation of success must both be found in the prior
> art and not based on applicant's disclosure. *See In re Vaeck,* 947
> F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Independent claim 23 (and similar independent claims 1 and 36) recites, "*using a solution engine that utilizes networked objects to track, control and manage user sessions, wherein the solution engine interfaces with an observation, personalization and pricing engine as directed by specific nodes.*"

The claimed invention can have a business rules and user interface elements defined using a visual definition tool on a server machine. The server system stores the business rules and the user interface elements in a repository and uses this to generate a website. As customers and other users request services from this website, the server system uses the pre-defined business rules to analyze the customer's request, execute the corresponding business rule - which may consist of checking the user request/input with a backend system, performing some calculations - and based on the result perform a wide range of actions from simply serving up a specific user interaction or interfacing with an external application to exchange information and respond to the customer request. All of the interaction with the customer is performed using the user interface elements defined. The cited references fail to teach or suggest such aspects.

SW discloses a mechanism that detects forks within data flow diagrams corresponding to application programs and for controlling the execution of the application programs using a plurality of wire constructs (abstract). SW is not concerned with any business aspect that has a solution engine interfacing with observation, personalization, and pricing according to customer's requests.

VB discloses a transaction server that uses a business logic layer (pages 890-891). VB discloses the transaction server facilitates interaction between one or more servers with a separate database server to get data (pages 890-891). However, VB does not disclose interaction between a client and a server where the client is building a profile with that server through an observation, personalization, and pricing engine.

WFT discloses a business template used to automate the flow of work throughout a business (page 2-2). This flow of work enables a communication between an employer and an employee. However, WFT does not disclose the business communication between a customer and a website, and WFT does not disclose, "*networked objects to track, control and manage user sessions, wherein the solution engine interfaces with an observation, personalization and pricing engine as directed by specific nodes.*" Accordingly, SW, VB, and WFT do not teach or suggest

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the limitations in independent claim 23 (and its associated dependent claims) and similar independent claims 1 and 36 (and claims 1 and 36's associated dependent claims). Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [FOPS102USB].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

   /Himanshu S. Amin/
Himanshu S. Amin
Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731